

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION**

**FRED RICHARD FOSKEY II,**

**Plaintiff,**

**v.**

**CIVIL NO. 4:13cv66**

**CAROLYN W. COLVIN,  
Acting Commissioner,  
Social Security Administration**

**Defendant.**

**ORDER**

Pursuant to 28 U.S.C. §§ 636(b)(1)(B) and (C), Federal Rule of Civil Procedure 72(b), Local Civil Rule 72, and the April 2, 2002, Standing Order on Assignment of Certain Matters to United States Magistrate Judges, this Court referred this matter to Magistrate Lawrence R. Leonard. The parties filed opposing Motions for Summary Judgment, and Judge Leonard filed a Report and Recommendations ("R & R"), ECF No. 21, with respect to the parties' opposing motions, recommending that this Court affirm the final decision of Carolyn Colvin, Acting Commissioner of the Social Security Administration.

By copy of the R & R, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen (14) days from the date the R & R was mailed. This Court has received no written objections or other response to the R & R from either party and the time for filing objections has expired.

When reviewing a Magistrate Judge's R & R, the Court must make a de novo determination of those portions of the R & R to which objections, if any, are made. Fed.R.Civ.P.

72(b); 28 U.S.C. § 636(b)(1)(C). The Court is authorized to accept, reject or modify, in whole or in part, the findings and recommendations made by the Magistrate Judge. Fed.R.Civ.P. 72(b); 28 U.S.C. § 636(b)(1)(C).

In the absence of any objections to the R & R, ECF No. 21, from either party, the findings of fact and conclusions of law contained therein are hereby **ADOPTED** in their entirety. Plaintiffs Motion for Summary Judgment, ECF No. 16, is **DENIED**. Defendant's Motion for Summary Judgment, ECF No. 19, is **GRANTED**. Defendant's final decision denying Plaintiff's claim is hereby **AFFIRMED**, and this matter is **DISMISSED WITH PREJUDICE**.

The Clerk is **DIRECTED** to enter judgment in favor of defendant and to forward a copy of this Order to all Counsel of Record.

**IT IS SO ORDERED.**

  
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**Robert G. Doumar**  
**Senior United States District Judge**

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UNITED STATES DISTRICT JUDGE

Norfolk, VA  
April 29, 2014